

111TH CONGRESS
1ST SESSION

S. 684

To provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 24, 2009

Ms. CANTWELL (for herself and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oil Pollution Preven-
5 tion and Response Act of 2009”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

- Sec. 2. Table of contents.
- Sec. 3. Findings.
- Sec. 4. Definitions.

TITLE I—PREVENTION OF OIL SPILLS

SUBTITLE A—COAST GUARD PROVISIONS

- Sec. 101. Rulemakings.
- Sec. 102. Oil spill response capability.
- Sec. 103. Inspections by Coast Guard.
- Sec. 104. Oil transfers from vessels.
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- Sec. 106. Navigational measures for protection of natural resources.
- Sec. 107. Olympic Coast National Marine Sanctuary.
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- Sec. 109. Prevention of small oil spills.
- Sec. 110. Improved coordination with tribal governments.
- Sec. 111. Notification requirements.
- Sec. 112. Cooperative State inspection authority.
- Sec. 113. Tug escorts for laden oil tankers.
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- Sec. 115. Report on the availability of technology to detect the loss of oil.

SUBTITLE B—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROVISIONS

- Sec. 151. Hydrographic surveys.
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TITLE II—RESPONSE

- Sec. 201. Rapid response system.
- Sec. 202. Coast Guard oil spill database.
- Sec. 203. Use of oil spill liability trust fund.
- Sec. 204. Extension of financial responsibility.
- Sec. 205. Liability for use of unsafe single-hull vessels.
- Sec. 206. International efforts on enforcement.
- Sec. 207. Investment of amounts in damage assessment and restoration revolving fund.

TITLE III—RESEARCH AND MISCELLANEOUS REPORTS

- Sec. 301. Federal Oil Spill Research Committee.
- Sec. 302. Grant project for development of cost-effective detection technologies.
- Sec. 303. Status of implementation of recommendations by the National Research Council.
- Sec. 304. GAO report.
- Sec. 305. Oil transportation infrastructure analysis.
- Sec. 306. Oil spills in icy and Arctic conditions.

1 **SEC. 3. FINDINGS.**

2 The Congress finds the following:

1 (1) Oil released into the Nation's marine waters
2 can cause substantial, and in some cases irreparable,
3 harm to the marine environment.

4 (2) The economic impact of oil spills is substan-
5 tial. Billions of dollars have been spent in the United
6 States for cleanup of, and damages due to, oil spills;
7 while many social, cultural, economic, and environ-
8 mental damages remain uncompensated.

9 (3) The Oil Pollution Act of 1990, enacted in
10 response to the worst vessel oil spill in United States
11 history, substantially reduced the amount of oil spills
12 from vessels. However, significant volumes of oil
13 continue to be released, and the potential for a
14 major spill remains unacceptably high.

15 (4) Although the total number of oil spills from
16 vessels has decreased since passage of the Oil Pollu-
17 tion Act of 1990, more oil was spilled in 2004 from
18 vessels nationwide than was spilled from vessels in
19 1992.

20 (5) Waterborne transportation of oil in the
21 United States continues to increase.

22 (6) Although the number of oil spills from tank-
23 ers declined from 193 in 1992 to 36 in 2004, spills
24 from oil tankers tend to be large with devastating
25 impacts.

1 (7) While the number of oil spills from tank
2 barges has declined since 1992 (322 spills to 141
3 spills in 2004), the volume of oil spilled from tank
4 barges has remained constant at approximately
5 200,000 gallons spilled each year.

6 (8) Oil spills from non-tank vessels averaged be-
7 tween 125,000 gallons and 400,000 gallons per year
8 from 1992 through 2004 and accounted for over half
9 of the total number of spills from all sources, includ-
10 ing vessels and non-vessel sources.

11 (9) Recent spills involving significant quantities
12 of oil have occurred off the coasts of Alaska, Maine,
13 Massachusetts, Oregon, Virginia, and Washington,
14 and involved barges, tank vessels, and non-tank ves-
15 sels. The value of waterfront property, sport, com-
16 mercial and tribal treaty fisheries, recreation, tour-
17 ism, and threatened and endangered species con-
18 tinue to increase.

19 (10) It is more cost-effective to prevent oil spills
20 than it is to clean-up oil once it is released into the
21 environment.

22 (11) Of the 20 major vessel oil spill incidents
23 since 1990 where liability limits have been exceeded,
24 10 involved tank barges, 8 involved non-tank vessels,

1 2 involved tankers, and only 1 involved a vessel that
2 was double-hulled.

3 (12) Although recent technological improve-
4 ments in oil tanker design, such as double hulls and
5 redundant steering, increase tanker safety, these
6 technologies are not a panacea and cannot ensure
7 against oil spills, the leading cause of which is
8 human error.

9 (13) The Federal Government has a responsi-
10 bility to protect the Nation's natural resources, pub-
11 lic health, and environment by improving Federal
12 measures to prevent and respond to oil spills.

13 (14) Environmentally fragile coastal areas are
14 vitally important to local economies and the way of
15 life in coastal States and federally recognized tribal
16 governments. These areas are particularly vulnerable
17 to the threat of oil spills. Coastal waters contribute
18 approximately 75 percent of all commercial shellfish
19 and finfish catches, and over 81 percent of all rec-
20 reational fishing catches in the United States, out-
21 side of Alaska and Hawaii.

22 (15) The northern coast of Washington State
23 and entrance to Puget Sound is the principal cor-
24 ridor conveying Pacific Rim commerce into the
25 State, to Canada's largest port, and to the United

1 States third largest naval complex. The area con-
2 tains a National Marine Sanctuary, a National
3 Park, and many National Wildlife Refuges contig-
4 uous with marine waters.

5 (16) State, local, and tribal governments have
6 important human resources and spill response capa-
7 bilities which can contribute to response efforts in
8 the event of a significant oil spill. State, local, and
9 tribal governments may have unique local knowledge
10 of natural resources which can improve the quality
11 of spill response. For these reasons, State, local and
12 tribal governments need appropriate information to
13 have knowledge of spills, as well as incidents and ac-
14 tivities that may result in a spill, which can impact
15 State waters.

16 **SEC. 4. DEFINITIONS.**

17 In this Act:

18 (1) AREA TO BE AVOIDED.—The term “area to
19 be avoided” means a routing measure established by
20 the International Maritime Organization as an area
21 to be avoided.

22 (2) COASTAL STATE.—The term “coastal
23 State” has the meaning given that term by section
24 304(4) of the Coastal Zone Management Act of
25 1972 (16 U.S.C. 1453(4)).

1 (3) COMMANDANT.—The term “Commandant”
2 means the Commandant of the Coast Guard.

3 (4) NON-TANK VESSEL.—The term “non-tank
4 vessel” means a self-propelled vessel other than a
5 tank vessel.

6 (5) OIL.—The term “oil” has the meaning
7 given that term by section 1001(23) of the Oil Pol-
8 lution Act of 1990 (33 U.S.C. 2701(23)).

9 (6) SECRETARY.—The term “Secretary” means
10 the Secretary of the department in which the Coast
11 Guard is operating except where otherwise explicitly
12 stated.

13 (7) TANK VESSEL.—The term “tank vessel”
14 has the meaning given that term by section
15 1001(34) of the Oil Pollution Act of 1990 (33
16 U.S.C. 2701(34)).

17 (8) WATERS SUBJECT TO THE JURISDICTION
18 OF THE UNITED STATES.—The term “waters sub-
19 ject to the jurisdiction of the United States” means
20 navigable waters (as defined in section 1001(21) of
21 the Oil Pollution Act of 1990 (33 U.S.C. 2701(21))
22 as well as—

23 (A) the territorial sea of the United States
24 as defined in Presidential Proclamation Number
25 5928 of December 27, 1988; and

1 (B) the Exclusive Economic Zone of the
2 United States established by Presidential Pro-
3 clamation Number 5030 of March 10, 1983.

4 (9) OTHER TERMS.—The terms “facility”,
5 “gross ton”, “exclusive economic zone”, “incident”,
6 “oil”, “tank vessel”, “territorial seas”, and “vessel”
7 have the meaning given those terms in section 1001
8 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).

9 **TITLE I—PREVENTION OF OIL**
10 **SPILLS**

11 **Subtitle A—Coast Guard**
12 **Provisions**

13 **SEC. 101. RULEMAKINGS.**

14 (a) STATUS REPORT.—

15 (1) IN GENERAL.—Within 90 days after the
16 date of enactment of this Act, the Secretary shall
17 provide a report to the Senate Committee on Com-
18 merce, Science, and Transportation and the House
19 of Representatives Committee on Transportation
20 and Infrastructure on the status of all Coast Guard
21 rulemakings required (but for which no final rule
22 has been issued as of the date of enactment of this
23 Act)—

24 (A) under the Oil Pollution Act of 1990
25 (33 U.S.C. 2701 et seq.);

1 (B) under section 311 of the Federal
2 Water Pollution Control Act (33 U.S.C. 1321)
3 as amended by section 701 of the Coast guard
4 and Maritime Transportation Act of 2004
5 (Public Law 108–293); and

6 (C) for—

7 (i) automatic identification systems
8 required under section 70114 of title 46,
9 United States Code; and

10 (ii) inspection requirements for towing
11 vessels required under section 3306(j) of
12 that title.

13 (2) INFORMATION REQUIRED.—The Secretary
14 shall include in the report required by paragraph
15 (1)—

16 (A) a detailed explanation with respect to
17 each such rulemaking as to—

18 (i) what steps have been completed;

19 (ii) what areas remain to be ad-
20 dressed; and

21 (iii) the cause of any delays; and

22 (B) the date by which a final rule may rea-
23 sonably be expected to be issued.

24 (b) FINAL RULES.—The Secretary shall issue a final
25 rule in each pending rulemaking under the Oil Pollution

1 Act of 1990 (33 U.S.C. 2701 et seq.), and under section
2 311 of the Federal Water Pollution Control Act (33
3 U.S.C. 1321) as amended by section 701 of the Coast
4 guard and Maritime Transportation Act of 2004 (Public
5 Law 108–293) as soon as practicable, but in no event later
6 than 18 months after the date of enactment of this Act.

7 **SEC. 102. OIL SPILL RESPONSE CAPABILITY.**

8 (a) SAFETY STANDARDS FOR TOWING VESSELS.—In
9 promulgating regulations for towing vessels under chapter
10 33 of title 46, United States Code, the Secretary of the
11 department in which the Coast Guard is operating shall—

12 (1) give priority to completing such regulations
13 for towing operations involving tank vessels; and

14 (2) consider the possible application of stand-
15 ards that, as of the date of enactment of this Act,
16 apply to self-propelled tank vessels, and any modi-
17 fications that may be necessary for application to
18 towing vessels due to ship design, safety, and other
19 relevant factors.

20 (b) REDUCTION OF OIL SPILL RISK IN BUZZARDS
21 BAY.—Section 8502(g) of title 46, United States Code,
22 is amended by adding at the end thereof the following:

23 “(3) In any area of Buzzards Bay, Massachu-
24 setts, where a single-hull tank vessel carrying 5,000
25 or more barrels of oil or other hazardous material is

1 required to be under the direction and control of a
2 pilot licensed under section 7101 of this title, the
3 pilot may not be a member of the crew of that vessel
4 and shall be a pilot licensed by the Commonwealth
5 of Massachusetts who is operating under a Federal
6 license.”.

7 (c) REPORTING.—The Secretary shall transmit an
8 annual report to the Senate Committee on Commerce,
9 Science, and Transportation and the House of Represent-
10 atives Committee on Resources on the extent to which
11 tank vessels in Buzzards Bay, Massachusetts, are using
12 routes recommended by the Coast Guard.

13 **SEC. 103. INSPECTIONS BY COAST GUARD.**

14 (a) IN GENERAL.—The Secretary shall ensure that
15 the inspection schedule for all United States and foreign-
16 flag tank vessels that enter a United States port or place
17 increases the frequency and comprehensiveness of Coast
18 Guard safety inspections based on such factors as vessel
19 age, hull configuration, past violations of any applicable
20 discharge and safety regulations under United States and
21 international law, indications that the class societies in-
22 specting such vessels may be substandard, and other fac-
23 tors relevant to the potential risk of an oil spill.

24 (b) ENHANCED VERIFICATION OF STRUCTURAL CON-
25 DITION.—The Coast Guard shall adopt, as part of its in-

1 spection requirements for tank vessels, additional proce-
2 dures for enhancing the verification of the reported struc-
3 tural condition of such vessels, taking into account the
4 Condition Assessment Scheme adopted by the Inter-
5 national Maritime Organization by Resolution 94(46) on
6 April 27, 2001.

7 **SEC. 104. OIL TRANSFERS FROM VESSELS.**

8 (a) REGULATIONS.—Within 1 year after the date of
9 enactment of this Act, the Secretary shall promulgate reg-
10 ulations to reduce the risks of oil spills in operations in-
11 volving the transfer of oil from or to a tank vessel. The
12 regulations—

13 (1) shall focus on operations that have the
14 highest risks of discharge, including operations at
15 night and in inclement weather;

16 (2) shall consider—

17 (A) requirements for use of equipment,
18 such as putting booms in place for transfers,
19 safety, and environmental impacts;

20 (B) operational procedures such as man-
21 ning standards, communications protocols, and
22 restrictions on operations in high-risk areas; or

23 (C) both such requirements and oper-
24 ational procedures; and

1 (3) shall take into account the safety of per-
2 sonnel and effectiveness of available procedures and
3 equipment for preventing or mitigating transfer
4 spills.

5 (b) APPLICATION WITH STATE LAWS.—The regula-
6 tions promulgated under subsection (a) do not preclude
7 the enforcement of any State law or regulation the re-
8 quirements of which are at least as stringent as require-
9 ments under the regulations (as determined by the Sec-
10 retary) that—

11 (1) applies in State waters;

12 (2) does not conflict with, or interfere with the
13 enforcement of, requirements and operational proce-
14 dures under the regulations; and

15 (3) has been enacted or promulgated before the
16 date of enactment of this Act.

17 **SEC. 105. IMPROVEMENTS TO REDUCE HUMAN ERROR AND**
18 **NEAR-MISS INCIDENTS.**

19 (a) REPORT.—Within 1 year after the date of enact-
20 ment of this Act, the Secretary shall transmit a report
21 to the Senate Committee on Commerce, Science, and
22 Transportation, the Senate Committee on Environment
23 and Public Works, and the House of Representatives Com-
24 mittee on Transportation and Infrastructure that, using
25 available data—

1 (1) identifies the types of human errors that,
2 combined, account for over 50 percent of all oil spills
3 involving vessels that have been caused by human
4 error in the past 10 years;

5 (2) identifies the most frequent types of near-
6 miss oil spill incidents involving vessels such as colli-
7 sions, groundings, and loss of propulsion in the past
8 10 years;

9 (3) describes the extent to which there are gaps
10 in the data with respect to the information required
11 under paragraphs (1) and (2) and explains the rea-
12 son for those gaps; and

13 (4) includes recommendations by the Secretary
14 to address the identified types of errors and inci-
15 dents and to address any such gaps in the data.

16 (b) MEASURES.—Based on the findings contained in
17 the report required by subsection (a), the Secretary shall
18 take appropriate action, both domestically and at the
19 International Maritime Organization, to reduce the risk
20 of oil spills from human errors.

21 **SEC. 106. NAVIGATIONAL MEASURES FOR PROTECTION OF**
22 **NATURAL RESOURCES.**

23 (a) DESIGNATION OF AT-RISK AREAS.—The Sec-
24 retary and the Under Secretary of Commerce for Oceans
25 and Atmosphere shall jointly identify areas where routing

1 or other navigational measures are warranted in waters
2 subject to the jurisdiction of the United States to reduce
3 the risk of oil spills and potential damage to natural re-
4 sources. In identifying those areas, the Secretary and the
5 Under Secretary shall give priority consideration to nat-
6 ural resources of particular ecological importance or eco-
7 nomic importance, including commercial fisheries, aqua-
8 culture facilities, marine sanctuaries designated by the
9 Secretary of Commerce pursuant to the National Marine
10 Sanctuaries Act (16 U.S.C. 1431 et seq.), estuaries of na-
11 tional significance designated under section 319 of the
12 Federal Water Pollution Control Act (33 U.S.C. 1330),
13 critical habitats (as defined in section 3(5) of the Endan-
14 gered Species Act of 1973 (16 U.S.C. 1532(5)), estuarine
15 research reserves within the National Estuarine Research
16 Reserve System established by section 315 of the Coastal
17 Zone Management Act of 1972, and national parks and
18 national seashores administered by the National Park
19 Service under the National Park Service Organic Act (16
20 U.S.C. 1 et seq.).

21 (b) FACTORS CONSIDERED.—In determining whether
22 navigational measures are warranted, the Secretary and
23 the Under Secretary shall consider, at a minimum—

24 (1) the frequency of transits of vessels required
25 to prepare a response plan under section 311(j) of

1 the Federal Water Pollution Control Act (33 U.S.C.
2 1321(j));

3 (2) the type and quantity of oil transported as
4 cargo or fuel;

5 (3) the expected benefits of routing measures in
6 reducing risks of spills;

7 (4) the costs of such measures;

8 (5) the safety implications of such measures;
9 and

10 (6) the nature and value of the resources to be
11 protected by such measures.

12 (c) ESTABLISHMENT OF ROUTING AND OTHER NAVI-
13 GATIONAL MEASURES.—The Secretary shall establish
14 such routing or other navigational measures for areas
15 identified under subsection (a).

16 (d) ESTABLISHMENT OF AVOIDANCE AREAS.—To the
17 extent that the Secretary and the Under Secretary con-
18 clude that the establishment of areas to be avoided is war-
19 ranted under this section, they shall seek to establish such
20 areas through the International Maritime Organization or
21 establish comparable areas pursuant to regulations and in
22 a manner that is consistent with international law.

23 (e) OIL SHIPMENT DATA AND REPORT.—

24 (1) DATA COLLECTION.—The Secretary,
25 through the Commandant and in consultation with

1 the Army Corps of Engineers, shall analyze data on
2 oil transported as cargo on vessels in the navigable
3 waters of the United States, including information
4 on—

5 (A) the quantity and type of oil being
6 transported;

7 (B) the vessels used for such transpor-
8 tation;

9 (C) the frequency with which each type of
10 oil is being transported; and

11 (D) the point of origin, transit route, and
12 destination of each such shipment of oil.

13 (2) REPORT.—The Secretary shall transmit a
14 report, not less frequently than quarterly, to the
15 Senate Committee on Commerce, Science, and
16 Transportation and the House of Representatives
17 Committee on Energy and Commerce, on the data
18 collected and analyzed under paragraph (1) in a for-
19 mat that does not disclose information exempted
20 from disclosure under section 552b(e) of title 5,
21 United States Code.

22 **SEC. 107. OLYMPIC COAST NATIONAL MARINE SANCTUARY.**

23 (a) OLYMPIC COAST NATIONAL MARINE SANCTUARY
24 AREA TO BE AVOIDED.—The Secretary and the Under
25 Secretary of Commerce for Oceans and Atmosphere shall

1 revise the area to be avoided off the coast of the State
2 of Washington so that restrictions apply to all vessels re-
3 quired to prepare a response plan under section 311(j) of
4 the Federal Water Pollution Control Act (33 U.S.C.
5 1321(j)) (other than fishing or research vessels while en-
6 gaged in fishing or research within the area to be avoided).

7 (b) EMERGENCY OIL SPILL DRILL.—

8 (1) IN GENERAL.—In cooperation with the Sec-
9 retary, the Under Secretary of Commerce for Oceans
10 and Atmosphere shall conduct a Safe Seas oil spill
11 drill in the Olympic Coast National Marine Sanc-
12 tuary in fiscal year 2010. The Secretary and the
13 Under Secretary of Commerce for Oceans and At-
14 mosphere jointly shall coordinate with other Federal
15 agencies, State, local, and tribal governmental enti-
16 ties, and other appropriate entities, in conducting
17 this drill.

18 (2) OTHER REQUIRED DRILLS.—Nothing in
19 this subsection supersedes any Coast Guard require-
20 ment for conducting emergency oil spill drills in the
21 Olympic Coast National Marine Sanctuary. The Sec-
22 retary shall consider conducting regular field exer-
23 cises, such as National Preparedness for Response
24 Exercise Program (PREP) in other national marine

1 sanctuaries as well as areas identified in section
2 106(a) of this bill.

3 (3) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to the
5 Under Secretary of Commerce for Oceans and At-
6 mosphere for fiscal year 2010 \$700,000 to carry out
7 this subsection.

8 **SEC. 108. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.**
9

10 (a) IN GENERAL.—Within 30 days after the date of
11 enactment of this Act, notwithstanding subchapter 5 of
12 title 5, United States Code, the Commandant shall modify
13 the definition of the term “higher volume port area” in
14 section 155.1020 of the Coast Guard regulations (33
15 C.F.R. 155.1020) by striking “Port Angeles, WA” in
16 paragraph (13) of that section and inserting “Cape Flat-
17 tery, WA” without initiating a rulemaking proceeding.

18 (b) EMERGENCY RESPONSE PLAN REVIEWS.—With-
19 in 5 years after the date of enactment of this Act, the
20 Coast Guard shall complete its review of any changes to
21 emergency response plans pursuant to the Federal Water
22 Pollution Control Act (33 U.S.C. 1251 et seq.) resulting
23 from the modification of the higher volume port area defi-
24 nition required by subsection (a).

1 **SEC. 109. PREVENTION OF SMALL OIL SPILLS.**

2 (a) IN GENERAL.—The Under Secretary of Com-
3 merce for Oceans and Atmosphere, in consultation with
4 other appropriate agencies, shall establish an oil spill pre-
5 vention and education program for small vessels. The pro-
6 gram shall provide for assessment, outreach, and training
7 and voluntary compliance activities to prevent and improve
8 the effective response to oil spills from vessels and facili-
9 ties not required to prepare a vessel response plan under
10 the Federal Water Pollution Control Act, including rec-
11 reational vessels, commercial fishing vessels, marinas, and
12 aquaculture facilities. The Under Secretary may provide
13 grants to sea grant colleges and institutes designated
14 under section 207 of the National Sea Grant College Pro-
15 gram Act (33 U.S.C. 1126) and to State agencies, tribal
16 governments, and other appropriate entities to carry out—

17 (1) regional assessments to quantify the source,
18 incidence and volume of small oil spills, focusing ini-
19 tially on regions in the country where, in the past
20 10 years, the incidence of such spills is estimated to
21 be the highest;

22 (2) voluntary, incentive-based clean marina pro-
23 grams that encourage marina operators, recreational
24 boaters and small commercial vessel operators to en-
25 gage in environmentally sound operating and main-
26 tenance procedures and best management practices

1 to prevent or reduce pollution from oil spills and
2 other sources;

3 (3) cooperative oil spill prevention education
4 programs that promote public understanding of the
5 impacts of spilled oil and provide useful information
6 and techniques to minimize pollution including meth-
7 ods to remove oil and reduce oil contamination of
8 bilge water, prevent accidental spills during mainte-
9 nance and refueling and properly cleanup and dis-
10 pose of oil and hazardous substances; and

11 (4) support for programs, including outreach
12 and education to address derelict vessels and the
13 threat of such vessels sinking and discharging oil
14 and other hazardous substances, including outreach
15 and education to involve efforts to the owners of
16 such vessels.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Under Secretary
19 of Commerce for Oceans and Atmosphere to carry out this
20 section, \$10,000,000 annually for each of fiscal years
21 2010 through 2014.

22 **SEC. 110. IMPROVED COORDINATION WITH TRIBAL GOV-**
23 **ERNMENTS.**

24 (a) IN GENERAL.—Within 6 months after the date
25 of enactment of this Act, the Secretary shall complete the

1 development of a tribal consultation policy, which recog-
2 nizes and protects to the maximum extent practicable trib-
3 al treaty rights and trust assets in order to improve the
4 Coast Guard's consultation and coordination with the trib-
5 al governments of federally recognized Indian tribes with
6 respect to oil spill prevention, preparedness, response and
7 natural resource damage assessment.

8 (b) INCLUSION OF TRIBAL GOVERNMENT.—The Sec-
9 retary shall ensure that, as soon as practicable after iden-
10 tifying an oil spill that is likely to have a significant impact
11 on natural or cultural resources owned or directly utilized
12 by a federally recognized Indian tribe, the Coast Guard
13 will—

14 (1) ensure that representatives of the tribal
15 government of the affected tribes are included as
16 part of the incident command system established by
17 the Coast Guard to respond to the spill;

18 (2) share information about the oil spill with
19 the tribal government of the affected tribe; and

20 (3) to the extent practicable, involve tribal gov-
21 ernments in deciding how to respond to such spill.

22 (c) COOPERATIVE ARRANGEMENTS.—The Coast
23 Guard may enter into memoranda of agreement and asso-
24 ciated protocols with Indian tribal governments in order
25 to establish cooperative arrangements for oil pollution pre-

1 vention, preparedness, and response. Such memoranda
2 may be entered into prior to the development of the tribal
3 consultation and coordination policy to provide Indian
4 tribes grant and contract assistance. Such memoranda of
5 agreement and associated protocols with Indian tribal gov-
6 ernments may include—

7 (1) arrangements for the assistance of the trib-
8 al government to participate in the development of
9 the National Contingency Plan and local Area Con-
10 tingency Plans to the extent they affect tribal lands,
11 cultural and natural resources;

12 (2) arrangements for the assistance of the trib-
13 al government to develop the capacity to implement
14 the National Contingency Plan and local Area Con-
15 tingency Plans to the extent they affect tribal lands,
16 cultural and natural resources;

17 (3) provisions on coordination in the event of a
18 spill, including agreements that representatives of
19 the tribal government will be included as part of the
20 regional response team co-chaired by the Coast
21 Guard and the Environmental Protection Agency to
22 establish policies for responding to oil spills;

23 (4) arrangements for the Coast Guard to pro-
24 vide training of tribal incident commanders and spill
25 responders for oil spill preparedness and response;

1 (5) demonstration projects to assist tribal gov-
2 ernments in building the capacity to protect tribal
3 treaty rights and trust assets from oil spills; and

4 (6) such additional measures the Coast Guard
5 determines to be necessary for oil pollution preven-
6 tion, preparedness, and response.

7 (d) FUNDING FOR TRIBAL PARTICIPATION.—Subject
8 to the availability of appropriations, the Commandant of
9 the Coast Guard shall provide assistance to participating
10 tribal governments in order to facilitate the implementa-
11 tion of cooperative arrangements under subsection (c) and
12 ensure the participation of tribal governments in such ar-
13 rangements. There are authorized to be appropriated to
14 the Commandant \$500,000 for each of fiscal years 2010
15 through 2014 to be used to carry out this section.

16 **SEC. 111. NOTIFICATION REQUIREMENTS.**

17 (a) MARINE CASUALTIES.—Section 6101 of title 46,
18 United States Code, is amended by adding at the end the
19 following:

20 “(j) NOTICE TO STATES AND TRIBAL GOVERN-
21 MENTS.—Within 1 hour after receiving a report under this
22 section, the Secretary shall forward the report to each
23 State and federally recognized Indian tribal government
24 that has jurisdiction concurrent with the United States or
25 adjacent to waters in which the casualty occurred. Each

1 State shall identify for the Secretary the agency to which
2 such reports shall be forwarded and shall be responsible
3 for forwarding appropriate information to local and tribal
4 governments within its jurisdiction.”.

5 (b) STATE-REQUIRED NOTICE OF BULK OIL TRANS-
6 FERS.—Notwithstanding any other provision of law, a
7 coastal State may, by law, require a person to provide no-
8 tice of 24 hours or more to the State and to the United
9 States Coast Guard before transferring oil in bulk in an
10 amount equivalent to 250 barrels or more to, from, or
11 within a vessel in State waters. The Commandant may as-
12 sist coastal States in developing appropriate methodologies
13 for joint Federal and State notification of any such trans-
14 fers to minimize any potential burden to vessels.

15 **SEC. 112. COOPERATIVE STATE INSPECTION AUTHORITY.**

16 (a) IN GENERAL.—The Secretary is authorized to
17 execute a joint enforcement agreement with the Governor
18 of a coastal state that meets the requirements of sub-
19 section (b) under which—

20 (1) State law enforcement officers with marine
21 law enforcement responsibilities may be authorized
22 to perform duties of the Secretary relating to law
23 enforcement provisions under this title or any other
24 marine resource law enforced by the Secretary; and

1 (2) State inspectors are authorized to conduct
2 inspections of United States and foreign-flag vessels
3 in United States ports under the supervision of the
4 Coast Guard and report and refer any documented
5 deficiencies or violations to the Coast Guard for ac-
6 tion.

7 (b) STATE QUALIFICATIONS.—To be eligible to par-
8 ticipate in a joint enforcement agreement under subsection
9 (a), a coastal state shall—

10 (1) submit an application to the Secretary at
11 such time, in such form, and containing such infor-
12 mation as the Secretary may require; and

13 (2) demonstrate to the satisfaction of the Sec-
14 retary that—

15 (A) its State inspectors possess, or qualify
16 for, a merchant mariner officer or engineer li-
17 cense for at least a 1,600 gross-ton vessel under
18 subchapter B of title 46, Code of Federal Regu-
19 lations;

20 (B) it has established support for its in-
21 spection program to track, schedule, and mon-
22 itor shipping traffic within its waters; and

23 (C) it has a funding mechanism to main-
24 tain an inspection program for at least 5 years.

1 (c) **TECHNICAL SUPPORT AND TRAINING.**—The Sec-
2 retary may provide technical support and training for
3 State inspectors who participate in a joint enforcement
4 agreement under this section.

5 **SEC. 113. TUG ESCORTS FOR LADEN OIL TANKERS.**

6 Within 1 year after the date of enactment of this Act,
7 the Secretary of State, in consultation with the Com-
8 mandant, shall enter into negotiations with the Govern-
9 ment of Canada to ensure that tugboat escorts are re-
10 quired for all tank ships with a capacity over 40,000 dead-
11 weight tons in the Strait of Juan de Fuca, Strait of Geor-
12 gia, and in Haro Strait. The Commandant shall consult
13 with the State of Washington and affected tribal govern-
14 ments during negotiations with the Government of Can-
15 ada.

16 **SEC. 114. TANK AND NON-TANK VESSEL RESPONSE PLANS.**

17 Within 1 year after the date of enactment of this Act,
18 the Secretary shall promulgate regulations authorizing
19 owners and operators of tank and non-tank vessel to form
20 non-profit cooperatives for the purpose of complying with
21 section 311(j) of the Federal Water Pollution Control Act
22 (33 U.S.C. 1321(j)).

1 **SEC. 115. REPORT ON THE AVAILABILITY OF TECHNOLOGY**
2 **TO DETECT THE LOSS OF OIL.**

3 Within 1 year after the date of enactment of this Act,
4 the Secretary shall submit a report to the Senate Com-
5 mittee on Commerce, Science, and Transportation and the
6 House of Representatives Committee on Energy and Com-
7 merce on the availability, feasibility, and potential cost of
8 technology to detect the loss of oil carried as cargo or as
9 fuel on tank and non-tank vessels greater than 400 gross
10 tons.

11 **Subtitle B—National Oceanic and**
12 **Atmospheric Administration**
13 **Provisions**

14 **SEC. 151. HYDROGRAPHIC SURVEYS.**

15 (a) REDUCTION OF BACKLOG.—The Under Secretary
16 of Commerce for Oceans and Atmosphere shall continue
17 survey operations to reduce the survey backlog in naviga-
18 tionally significant waters outlined in its National Survey
19 Plan, concentrating on areas where oil and other haz-
20 ardous materials are transported.

21 (b) NEW SURVEYS.—By no later than January 1,
22 2012, the Under Secretary shall complete new surveys, to-
23 gether with necessary data processing, analysis, and dis-
24 semination, for all areas in United States coastal areas
25 determined by the Under Secretary to be critical areas.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Under Secretary
3 for the purpose of carrying out the new surveys required
4 by subsection (b) such sums as may be necessary for each
5 of fiscal years 2010 through 2012.

6 **SEC. 152. ELECTRONIC NAVIGATIONAL CHARTS.**

7 (a) IN GENERAL.—By no later than September 1,
8 2010, the Under Secretary of Commerce for Oceans and
9 Atmosphere shall complete the electronic navigation chart
10 suite for all coastal waters of the United States.

11 (b) PRIORITIES.—In completing the suite, the Under
12 Secretary shall give priority to producing and maintaining
13 the electronic navigation charts of the entrances to major
14 ports and the coastal transportation routes for oil and haz-
15 ardous materials, and for estuaries of national significance
16 designated under section 319 of the Federal Water Pollu-
17 tion Control Act (33 U.S.C. 1330).

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to the Under Secretary
20 for the purpose of completing the electronic navigation
21 chart suite \$6,200,000 for fiscal year 2010.

22 **TITLE II—RESPONSE**

23 **SEC. 201. RAPID RESPONSE SYSTEM.**

24 The Under Secretary of Commerce for Oceans and
25 Atmosphere shall develop and implement a rapid response

1 system to collect and predict in situ information about oil
2 spill behavior, trajectory and impacts, and a mechanism
3 to provide such information rapidly to Federal, State, trib-
4 al, and other entities involved in a response to an oil spill.

5 **SEC. 202. COAST GUARD OIL SPILL DATABASE.**

6 The Secretary shall modify the Coast Guard's oil spill
7 database as necessary to ensure that it—

8 (1) includes information on the cause of oil
9 spills maintained in the database;

10 (2) is capable of facilitating the analysis of
11 trends and the comparison of accidents involving oil
12 spills; and

13 (3) makes the data available to the public.

14 **SEC. 203. USE OF OIL SPILL LIABILITY TRUST FUND.**

15 (a) IN GENERAL.—Section 1012(a)(5) of the Oil Pol-
16 lution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

17 (1) by redesignating subparagraphs (B) and
18 (C) as subparagraphs (C) and (D), respectively; and

19 (2) by inserting after subparagraph (A) the fol-
20 lowing:

21 “(B) not more than \$15,000,000 in each
22 fiscal year shall be available to the Under Sec-
23 retary of Commerce for Oceans and Atmos-
24 phere for expenses incurred by, and activities
25 related to, response and damage assessment ca-

1 pabilities of the National Oceanic and Atmos-
2 pheric Administration;”.

3 (b) USE OF FUND IN NATIONAL EMERGENCIES.—

4 Notwithstanding any provision of the Oil Pollution Act of
5 1990 (33 U.S.C. 2701 et seq.) to the contrary, no amount
6 may be made available from the Oil Spill Liability Trust
7 Fund established by section 9509 of the Internal Revenue
8 Code of 1986 for claims described in section 1012(a)(4)
9 of that Act (33 U.S.C. 2712(a)(4)) attributable to any na-
10 tional emergency or major disaster declared by the Presi-
11 dent under the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (42 U.S.C. 5121 et seq.).

13 **SEC. 204. EXTENSION OF FINANCIAL RESPONSIBILITY.**

14 Section 1016(a) of the Oil Pollution Act of 1990 (33
15 U.S.C. 2716(a)) is amended—

16 (1) by striking “or” after the semicolon in
17 paragraph (1);

18 (2) by inserting “or” after the semicolon in
19 paragraph (2); and

20 (3) by inserting after paragraph (2) the fol-
21 lowing:

22 “(3) any tank vessel over 100 gross tons (ex-
23 cept a non-self-propelled vessel that does not carry
24 oil as cargo) using any place subject to the jurisdic-
25 tion of the United States;”.

1 **SEC. 205. LIABILITY FOR USE OF UNSAFE SINGLE-HULL**
2 **VESSELS.**

3 Section 1001(32) of the Oil Pollution Act of 1990
4 (33 U.S.C. 2702(d)) is amended by striking subparagraph
5 (A) and inserting the following:

6 “(A) VESSELS.—In the case of a vessel—

7 “(i) any person owning, operating, or
8 demise chartering the vessel; and

9 “(ii) the owner of oil being trans-
10 ported in a tank vessel with a single hull
11 after December 31, 2010, if the owner of
12 the oil knew, or should have known, from
13 publicly available information that the ves-
14 sel had a poor safety or operational
15 record.”.

16 **SEC. 206. INTERNATIONAL EFFORTS ON ENFORCEMENT.**

17 The Secretary, in consultation with the heads of other
18 appropriate Federal agencies, shall ensure that the Coast
19 Guard pursues stronger enforcement in the International
20 Maritime Organization of agreements related to oil dis-
21 charges, including joint enforcement operations, training,
22 and stronger compliance mechanisms.

23 **SEC. 207. INVESTMENT OF AMOUNTS IN DAMAGE ASSESS-**
24 **MENT AND RESTORATION REVOLVING FUND.**

25 The Secretary of the Treasury shall invest such por-
26 tion of the damage assessment and restoration revolving

1 fund described in title I of the Departments of Commerce,
2 Justice, and State, the Judiciary, and Related Agencies
3 Appropriations Act, 1991 (33 U.S.C. 2706 note) as is not,
4 in the Secretary's judgment, required to meet current
5 withdrawals in interest-bearing obligations of the United
6 States in accordance with section 9602 of the Internal
7 Revenue Code of 1986.

8 **TITLE III—RESEARCH AND**
9 **MISCELLANEOUS REPORTS**

10 **SEC. 301. FEDERAL OIL SPILL RESEARCH COMMITTEE.**

11 (a) **ESTABLISHMENT.**—There is established a com-
12 mittee to be known as the Federal Oil Spill Research Com-
13 mittee.

14 (b) **MEMBERSHIP.**—The members of the Committee
15 shall be designated by the Under Secretary of Commerce
16 for Oceans and Atmosphere and shall include representa-
17 tives from the National Oceanic and Atmospheric Admin-
18 istration, the United States Coast Guard, the Environ-
19 mental Protection Agency, and such other Federal agen-
20 cies as the President may designate. A representative of
21 the National Oceanic and Atmospheric Administration,
22 designated by the Under Secretary, shall serve as Chair-
23 man.

24 (c) **DUTIES.**—The Committee shall coordinate a com-
25 prehensive program of oil pollution research, technology

1 development, and demonstration among the Federal agen-
2 cies, in cooperation and coordination with industry, uni-
3 versities, research institutions, State governments, tribal
4 governments, and other nations, as appropriate, and shall
5 foster cost-effective research mechanisms, including the
6 joint funding of research.

7 (d) REPORTS TO CONGRESS.—

8 (1) Not later than 180 days after the date of
9 enactment of this Act, the Committee shall submit
10 to Congress a report on the current state of oil spill
11 prevention and response capabilities that—

12 (A) identifies current research programs
13 conducted by governments, universities, and
14 corporate entities;

15 (B) assesses the current status of knowl-
16 edge on oil pollution prevention, response, and
17 mitigation technologies;

18 (C) establishes national research priorities
19 and goals for oil pollution technology develop-
20 ment related to prevention, response, mitiga-
21 tion, and environmental effects;

22 (D) identifies regional oil pollution re-
23 search needs and priorities for a coordinated
24 program of research at the regional level devel-

1 oped in consultation with the State and local
2 governments, tribes;

3 (E) assesses the current state of spill re-
4 sponse equipment, and determines areas in
5 need of improvement including amount, age,
6 quality, effectiveness, or necessary technological
7 improvements;

8 (F) assesses the current state of real time
9 data available to mariners, including water
10 level, currents and weather information and
11 predictions, and assesses whether lack of timely
12 information increases the risk of oil spills; and

13 (G) includes such recommendations as the
14 Committee deems appropriate.

15 (2) QUINQUENNIAL UPDATES.—The Committee
16 shall submit a report every fifth year after its first
17 report under paragraph (1) updating the informa-
18 tion contained in its previous report under this sub-
19 section.

20 (e) ADVICE AND GUIDANCE.—The Committee shall
21 accept comments and input from State and local govern-
22 ments, Indian tribes, industry representatives, and other
23 stakeholders.

24 (f) NATIONAL ACADEMY OF SCIENCE PARTICIPA-
25 TION.—The Chairman, through the National Oceanic and

1 Atmospheric Administration, shall contract with the Na-
2 tional Academy of Sciences to—

3 (1) provide advice and guidance in the prepara-
4 tion and development of the research plan; and

5 (2) assess the adequacy of the plan as sub-
6 mitted, and submit a report to Congress on the con-
7 clusions of such assessment.

8 (g) RESEARCH AND DEVELOPMENT PROGRAM.—

9 (1) IN GENERAL.—The Committee shall estab-
10 lish a program for conducting oil pollution research
11 and development. Within 180 days after submitting
12 its report to the Congress under subsection (d), the
13 Committee shall submit to Congress a plan for the
14 implementation of the program.

15 (2) PROGRAM ELEMENTS.—The program estab-
16 lished under paragraph (1) shall provide for re-
17 search, development, and demonstration of new or
18 improved technologies which are effective in pre-
19 venting, detecting, or mitigating oil discharges and
20 which protect the environment, and include—

21 (A) high priority research areas described
22 in the report;

23 (B) environmental effects of acute and
24 chronic oil spills;

1 (C) long-term effects of major spills and
2 the long-term cumulative effects of smaller en-
3 demic spills;

4 (D) new technologies to detect accidental
5 or intentional overboard discharges;

6 (E) response capabilities, such as improved
7 booms, oil skimmers, and storage capacity;

8 (F) methods to restore and rehabilitate
9 natural resources damaged by oil discharges;
10 and

11 (G) research and training, in consultation
12 with the National Response Team, to improve
13 industry's and Government's ability to remove
14 an oil discharge quickly and effectively.

15 (h) GRANT PROGRAM.—

16 (1) IN GENERAL.—The Under Secretary of
17 Commerce for Oceans and Atmosphere shall manage
18 a program of competitive grants to universities or
19 other research institutions, or groups of universities
20 or research institutions, for the purposes of con-
21 ducting the program established under subsection
22 (g).

23 (2) APPLICATIONS AND CONDITIONS.—In con-
24 ducting the program, the Under Secretary—

1 (A) shall establish a notification and appli-
2 cation procedure;

3 (B) may establish such conditions, and re-
4 quire such assurances, as may be appropriate to
5 ensure the efficiency and integrity of the grant
6 program; and

7 (C) may make grants under the program
8 on a matching or nonmatching basis.

9 (i) FACILITATION.—The Committee may develop
10 memoranda of agreement or memoranda of understanding
11 with universities, States, or other entities to facilitate the
12 research program.

13 (j) ANNUAL REPORTS.—The chairman of the Com-
14 mittee shall submit an annual report to Congress on the
15 activities carried out under this section in the preceding
16 fiscal year, and on activities proposed to be carried out
17 under this section in the current fiscal year.

18 (k) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to the Secretary of Com-
20 merce to carry out this section—

21 (1) \$200,000 for fiscal year 2010, to remain
22 available until expended, for contracting with the
23 National Academy of Sciences and other expenses
24 associated with developing the report and research
25 program; and

1 (2) \$2,000,000 for each of fiscal years 2010,
2 2011, and 2012, to remain available until expended,
3 to fund grants under subsection (h).

4 (1) COMMITTEE REPLACES EXISTING AUTHORITY.—
5 The authority provided by this section supersedes the au-
6 thority provided by section 7001 of the Oil Pollution Act
7 of 1990 (33 U.S.C. 2761) for the establishment of the
8 Interagency Committee on Oil Pollution Research under
9 subsection (a) of that section, and that Committee shall
10 cease operations and terminate on the date of enactment
11 of this Act.

12 **SEC. 302. GRANT PROJECT FOR DEVELOPMENT OF COST-**
13 **EFFECTIVE DETECTION TECHNOLOGIES.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of enactment of this Act, the Commandant shall es-
16 tablish a competitively awarded grant program for the de-
17 velopment of cost-effective technologies, such as infrared,
18 pressure sensors, and remote sensing, for detecting dis-
19 charges of oil from vessels as well as methods and tech-
20 nologies for improving detection and recovery of sub-
21 merged and sinking oils.

22 (b) MATCHING REQUIREMENT.—The Federal share
23 of any project funded under subsection (a) may not exceed
24 50 percent of the total cost of the project.

1 (c) REPORT TO CONGRESS.—Not later than 3 years
2 after the date of enactment of this Act the Secretary shall
3 provide a report to the Senate Committee on Commerce,
4 Science, and Transportation, and to the House of Rep-
5 resentatives Committee on Transportation and Infrastruc-
6 ture on the results of the program.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to the Commandant to
9 carry out this section \$2,000,000 for each of fiscal years
10 2010, 2011, and 2012, to remain available until expended.

11 (e) TRANSFER PROHIBITED.—Administration of the
12 program established under subsection (a) may not be
13 transferred within the Department of Homeland Security
14 or to another department or Federal agency.

15 **SEC. 303. STATUS OF IMPLEMENTATION OF RECOMMENDA-**
16 **TIONS BY THE NATIONAL RESEARCH COUN-**
17 **CIL.**

18 (a) IN GENERAL.—Within 90 days after the date of
19 enactment of this Act, the Secretary shall provide a report
20 to the Senate Committee on Commerce, Science, and
21 Transportation and the House of Representatives Com-
22 mittee on Transportation and Infrastructure on whether
23 the Coast Guard has implemented each of the rec-
24 ommendations directed at the Coast Guard, or at the

1 Coast Guard and other entities, in the following National
2 Research Council reports:

3 (1) “Double-Hull Tanker Legislation, An As-
4 sessment of the Oil Pollution Act of 1990”, dated
5 1998.

6 (2) “Oil in the Sea III, Inputs, Fates and Ef-
7 fects”, dated 2003.

8 (b) CONTENT.—The report shall contained a detailed
9 explanation of the actions taken by the Coast Guard pur-
10 suant to the National Research Council reports. If the
11 Secretary determines that the Coast Guard has not fully
12 implemented the recommendations, the Secretary shall in-
13 clude a detailed explanation of the reasons any such rec-
14 ommendation has not been fully implemented, together
15 with any recommendations the Secretary deems appro-
16 priate for implementing any such non-implemented rec-
17 ommendation.

18 **SEC. 304. GAO REPORT.**

19 Within 1 year after the date of enactment of this Act,
20 the Comptroller General shall provide a written report
21 with recommendations for reducing the risks and fre-
22 quency of releases of oil from vessels (both intentional and
23 accidental) to the Senate Committee on Commerce,
24 Science, and Transportation and the House of Represent-

1 atives Committee on Transportation and Infrastructure
2 that includes the following:

3 (1) CONTINUING OIL RELEASES.—A summary
4 of continuing sources of oil pollution from vessels,
5 the major causes of such pollution, the extent to
6 which the Coast Guard or other Federal or State en-
7 tities regulate such sources and enforce such regula-
8 tions, possible measures that could reduce such re-
9 leases of oil.

10 (2) DOUBLE HULLS.—

11 (A) A description of the various types of
12 double hulls, including designs, construction,
13 and materials, authorized by the Coast Guard
14 for United States flag vessels, and by foreign
15 flag vessels pursuant to international law, and
16 any changes with respect to what is now au-
17 thorized compared to the what was authorized
18 in the past.

19 (B) A comparison of the potential struc-
20 tural and design safety risks of the various
21 types of double hulls described in subparagraph
22 (A) that have been observed or identified by the
23 Coast Guard, or in public documents readily
24 available to the Coast Guard, including suscep-
25 tibility to corrosion and other structural con-

1 cerns, unsafe temperatures within the hulls, the
2 build-up of gases within the hulls, ease of in-
3 spection, and any other factors affecting reli-
4 ability and safety.

5 (3) ALTERNATIVE DESIGNS FOR NON-TANK
6 VESSELS.—A description of the various types of al-
7 ternative designs for non-tank vessels to reduce risk
8 of an oil spill, known effectiveness in reducing oil
9 spills, and a summary of how extensively such de-
10 signs are being used in the United States and else-
11 where.

12 (4) RESPONSE EQUIPMENT.—An assessment of
13 the sufficiency of oil pollution response and salvage
14 equipment, the quality of existing equipment, new
15 developments in the United States and elsewhere,
16 and whether new technologies are being used in the
17 United States.

18 **SEC. 305. OIL TRANSPORTATION INFRASTRUCTURE ANAL-**
19 **YSIS.**

20 The Secretary of the Department of Homeland Secu-
21 rity shall, in conjunction with the Secretary of Commerce,
22 the Secretary of Transportation, the Administrator of the
23 Environmental Protection Agency, and the heads of other
24 appropriate Federal agencies, contract with the National
25 Research Council to conduct an analysis of the condition

1 and safety of all aspects of oil transportation infrastruc-
2 ture in the United States, and provide recommendations
3 to improve such safety, including an assessment of the
4 adequacy of contingency and emergency plans in the event
5 of a natural disaster or emergency.

6 **SEC. 306. OIL SPILLS IN ICY AND ARCTIC CONDITIONS.**

7 (a) IN GENERAL.—The Under Secretary of Com-
8 merce for Oceans and Atmosphere, in conjunction with the
9 Commandant, shall contract with the National Research
10 Council to conduct an analysis of oil spill risks and re-
11 sponse capabilities in the Arctic and other icy conditions,
12 including spills under pack ice or in waters with broken
13 ice.

14 (b) CONTENT.—At a minimum, the analysis shall in-
15 clude a description of oil spill scenarios that could occur
16 in icy environments, an assessment of the challenges
17 unique to oil spill response operations in icy conditions,
18 an examination of the effectiveness of traditional oil spill
19 response methods in icy conditions, an assessment of tech-
20 niques for detecting, mapping, and tracking spills in icy
21 environments, and the identification of promising new
22 technologies, concepts, and research needs.

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